

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEXANDER MIRVIS, BETTY BUTLER and
LAINIE FROEHLICH, individually and on behalf
of others similarly situated,

Plaintiffs,

-against-

BERKSHIRE HATHAWAY, INC. and
GOVERNMENT EMPLOYEES INSURANCE
COMPANY (a/k/a GEICO),

Defendants.

Docket No.:
21 Civ. 2210 (KAM)(RLM)

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RAQUEL BRODY, individually and on behalf of
all others similarly situated,

Plaintiffs,

-against-

BERKSHIRE HATHAWAY, INC. and
GOVERNMENT EMPLOYEES INSURANCE
COMPANY,

Defendants.

Docket No.:
21 Civ. 2481 (KAM)(RLM)

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MICHAEL VISCARDI, individually and on behalf
of others similarly situated,

Plaintiffs,

-against-

GOVERNMENT EMPLOYEES INSURANCE
COMPANY d/b/a GEICO, GEICO CASUALTY
COMPANY, and GEICO GENERAL
INSURANCE COMPANY,

Defendants.

Docket No.:
21 Civ. 2540 (KAM)(RLM)

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STIPULATION RE: CONSOLIDATION OF ACTIONS

WHEREAS, on or about April 21, 2021, a putative class action complaint entitled *Mirvis, et al. v. Berkshire Hathaway, Inc. and Government Employees Insurance Company (a/k/a GEICO)*, Case No. 1:21-cv-2210 (KAM)(RLM) (“*Mirvis*”), was filed and assigned to Hon. Judge Kiyo Matsumoto for all purposes;

WHEREAS, on or about May 4, 2021, a putative class action complaint entitled *Brody v. Berkshire Hathaway, Inc., et al.*, Case No. 1:21-cv-2481 (KAM)(RLM) (“*Brody*”) was filed in this Court;

WHEREAS, on or about May 6, 2021, a putative class complaint entitled *Viscardi v. Government Employees Insurance Company, et. al.*, Case No. 1:21-cv-2540 (KAM)(RLM) (“*Viscardi*”) was filed in this Court;

WHEREAS, following their initial assignments, *Brody* and *Viscardi* were designated as related actions to *Mirvis* and transferred to Hon. Judge Matsumoto for coordinated handling and possible consolidation with *Mirvis*, the first and earliest filed action relating to the alleged data security incident that is the subject of the above captioned lawsuits. (*Mirvis*, *Brody*, and *Viscardi* are collectively referred to as “The Actions”);

WHEREAS, The Actions each purport to state claims arising from the same alleged data security breach incident in which fraudsters illegally obtained personal data from other sources to gain access to GEICO’s online sales system between January 24, 2021 and March 1, 2021; and

WHEREAS, by Order dated October 15, 2021, the Court directed that the parties may stipulate to the consolidation of the Actions without the need for a formal motion to the Court.

NOW THEREFORE, the parties, by their undersigned counsel, stipulate and agree that upon the Court's signature below, the following shall constitute the Order of the Court:

1) Consolidation of The Actions is warranted pursuant to Fed. R. Civ. P. 42(a)(2), as all claims arise out of the same alleged general set of facts and assert many of the same or similar causes of action, and because consolidation is in the interest of justice and will avoid duplicative and unnecessary use of judicial resources;

2) Pursuant to Fed. R. Civ. P. 42(a), *Brody v. Berkshire Hathaway, Inc. et al.*, Case No. 21-cv-2481 and *Viscardi v. Government Employees Insurance Company*, Case No. 21-cv-2540 shall be consolidated into *Mirvis, et. al. v. Berkshire Hathaway, Inc. and Government Employees Insurance Company (a/k/a GEICO)*, Case No. 21-cv-2210, the first and earliest filed action;

3) The Actions are consolidated for all purposes, including trial, under Case No. 21-civ-2210-KAM-RLM (collectively, the "Consolidated Action"), and shall bear the following caption:

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In Re GEICO Customer Data Breach Litigation

21 Civ. 2210 (KAM)(RLM)

This Document Relates To:

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4) The Clerk of the Court is directed to consolidate the matters as set forth above and thereafter to mark case numbers 1:21-cv-2481 and 1:21-cv-2540 closed to any additional filings under those case numbers, and to amend the title of the *Mirvis* action to *In Re GEICO Customer Data Breach Litigation*;

5) The Court's Order entered on the *Mirvis*, *Brody*, and *Viscardi* dockets on October 15, 2021 shall govern the Consolidated Action;


6) The Parties reserve the right to seek consolidation or joinder of additional related actions in the future either by stipulation or motion, as appropriate; and

7) This stipulation may be electronically executed, in counterparts, which together shall be treated as an original stipulation and be binding on the parties.

[signatures following page]

STIPULATED AND AGREED:

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SO ORDERED:

/s/ Kiyo A. Matsumoto

Hon. Judge Kiyo Matsumoto, U.S.D.J.

Dated: October 26, 2021